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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/746,352 | 12/21/2000 | Jingdong Lin | J. LIN 3 | 1689 |
| 47396 | 7590 | 10/03/2005 | EXAMINER WANG, TED M | |
| HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083 | | | ART UNIT 2634 | PAPER NUMBER |

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 09/746,352 | Applicant(s) LIN, JINGDONG | |
| | Examiner Ted M. Wang | Art Unit 2634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1,3-8,10-15,17-21,23-28 and 39-43 is/are allowed.
 6) ☒ Claim(s) 29-32 and 34-37 is/are rejected.
 7) ☒ Claim(s) 33 and 38 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 03/285/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Affidavit and Exhibit A filed on 09/20/2005 under 37 CFR 1.131 is sufficient to overcome the Hansen (US 2002/0097797) reference for the 35 USC § 102(e) rejection regarding to claims 29-38. However, upon further consideration, a new ground(s) of rejection is made in view of Betts (US 5,878,077).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 29-32 and 34-37 is rejected under 35 U.S.C. 102(b) as being anticipated by Betts (US 5,878,077).

- With regard claim 29, Betts discloses a system for use with a communications channel comprising:

an assorter (Fig.1 elements 102) configured to receive first and second signals having disparate transmission characteristics (Fig.1 element 16) and select one of said first and second signals (Fig.1 element 102, where the received signals are digital data signal and voice control signal); and

a translator (Fig.1 elements 20, 104, 106, and 108), coupled to said assorter, including a map table evoker (Fig.1 element 104) configured to determine a

conversion table to employ with said selected one of said first and second signals and a converter (Fig.1 element 108), coupled to said map table evoker, configured to encode said one of said first and second signals into a symbol representation as a function of a transmission characteristic associated therewith (Fig.1 elements 20, 104, 106, 108, and column 3 line 20 – column 5 line 6).

- With regard claim 30, Hansen further discloses wherein said first signal is a voice signal and said second signal is a data signal (Fig.1 elements 14-16 and paragraph 15).
- With regard claim 31, Betts further discloses that the system is embodied in at least one of a transmitter and a receiver associated with a telecommunications network associated with said communications channel (Fig.1 and column 1 lines 49-55).
- With regard claim 32, Betts further discloses that the system is at least partially embodied in a sequence of operating instructions operable on a processor (Fig.2 element 48 and column 11 lines 7-18).
- With regard claim 34, which is a mean function claim related to claim 29, all limitation is contained in claim 29. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 35, which is a mean function claim related to claim 30, all limitation is contained in claim 30. The explanation of all the limitation is already addressed in the above paragraph.

- With regard claim 36, which is a mean function claim related to claim 31, all limitation is contained in claim 31. The explanation of all the limitation is already addressed in the above paragraph.
- With regard claim 37, which is a mean function claim related to claim 32, all limitation is contained in claim 32. The explanation of all the limitation is already addressed in the above paragraph.

Allowable Subject Matter

4. Claims 1, 3-8, 10-15, 17-21, and 23-28, and 39-43 are allowed.
5. Claims 33 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
1. The following is an examiner's statement of reasons for allowance.
 - The prior art fails to teach an apparatus/system/method of Claims 1, 8, 15, 22, and 39 that specifically comprises the following:
 - The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 5,878,077, US 6,084,917, US 6,269,129, US 6,535,497, and US 6,553,063. The improvement comprises:

With regard claims 1, 15, and 22, "said assorter including a parsing subsystem configured to extract control information associated with said first and second signals and a selector, coupled to said parsing

subsystem, configured to select one of said first and second signals in accordance with said control information;" as recited.

With regard claim 8, "extracting control information associated with said first and second signals; selecting one of said first and second signals in accordance with said control information;" as recited.

With regard claim 39, "a bit merge and framer subsystem that merges said first and second signals into a bit stream; a bit-to-symbol mapping subsystem, coupled to said bit merge and framer subsystem," as recited.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is 571-272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600